

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROSA ELBA DE PAULINO, *as Parent and Natural
Guardian of R.P.*, et al.,

Plaintiffs,

-v-

NEW YORK CITY DEPARTMENT OF EDUCATION, et
al.,

Defendants.

22 Civ. 1865 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

The Court is in possession of the parties' letter-motions with respect to the outstanding disputes in this case. Dkts. 45, 46, 50, 54. There appear to be limited outstanding issues in this case, which concerns pendency orders for the 2021/2022 extended school year. These are as follows.

1. The overarching dispute concerns whether the relevant administrative orders require the plaintiffs to submit in-person attendance records, or otherwise itemized invoices, to defendants before receiving reimbursement for travel expenses to or from their pendency placement at iBrain. Per plaintiffs, this dispute concerns only five students: A.C., O.F., L.S., K.T., and A.D. *See* Dkt. 54 at 2–5. Relatedly, there appears to be a dispute as to what the relevant administrative order is on this point, with respect to students L.S. and K.T. The parties appear to agree as to the operative pendency-setting administrative order for the other students.

2. Second, there are one-off disputes concerning individual students. These are:

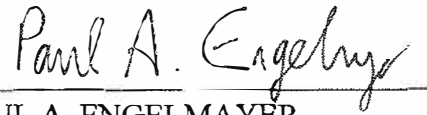
- A dispute over A.N.'s unpaid transportation costs. Defendants argue that these are contingent on receipt of an invoice. Plaintiffs do not appear to object to this

assertion. Defendants argue that they do not owe the allegedly outstanding tuition costs based on the date of the Due Process Complaint.

- A dispute over whether there is any outstanding balance for nursing services for **O.F.**
- A dispute over whether and how much defendants owe for **R.Z.**'s tuition, transportation, and nursing services.
- A dispute over whether and how much defendants owe for **S.H.**'s tuition.
- A dispute over missing invoices for nursing services for **L.S.**
- A dispute over whether defendants owe tuition costs for **A.C.**

Exercising due care, and in view of the procedure utilized by numerous courts in this District to have supervised litigations raising similar questions, *see, e.g., Araujo v. N.Y.C. Dep't of Educ.*, 20 Civ. 7032 (LGS) (S.D.N.Y.); *Donohue v. Banks*, 22 Civ. 8998 (JPC) (S.D.N.Y.); *Davis v. Banks*, No. 22 Civ. 8184 (JMF) (S.D.N.Y.), the Court finds it cannot resolve these disputes based on the informal letter submissions currently before it. Rather, the Court will solicit expedited summary judgment briefing from the parties, and thereafter attempt to resolve with dispatch the outstanding issues. To assure an orderly summary judgment process that results in satisfactory and complete briefing of all issues, and to set a briefing schedule, the Court will hold an **in-person** status conference next week on **Thursday, January 25, 2024, at 3 p.m.** to take place in Courtroom 1305 at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York 10007.

SO ORDERED.

A handwritten signature in cursive script, reading "Paul A. Engelmayer", written in black ink.

PAUL A. ENGELMAYER
United States District Judge

Dated: January 19, 2024
New York, New York